

## CALIFORNIA STATE LIBRARY

# Compliance with the Children's Internet Protection Act (CIPA)

## OVERVIEW

*This overview is intended to inform applicants for Library Services and Technology Act (LSTA) grants in the coming funding period (FY 2007/08) about how to comply with the Children's Internet Protection Act (CIPA) if it is determined they are affected by the Act. Each grant applicant must consider its project in relation to CIPA. The following will help you identify your circumstances and any action needed.*

### GUIDANCE FROM IMLS

The Institute of Museum and Library Services (IMLS) has issued revised guidance and instructions to state libraries and local grant recipients for complying with CIPA. As many of you are aware, the Supreme Court decided in June 2003 that **public libraries** are now subject to the provisions of CIPA. (**Public elementary and secondary school libraries** began to be covered starting in 2002/03.) **Consortia or other group applicants** for LSTA funds (such as CLSA systems) must also comply if they have a grant involving constituent libraries to which CIPA conditions apply.

The State Library is responsible for assuring the Federal Government that no LSTA funds will be made available for public libraries and public elementary and secondary school libraries, in the case where they do not receive E-Rate discounts but do receive an LSTA grant to purchase computers to access the Internet or pay for direct costs of accessing the Internet. Compliance is not needed for other uses of LSTA funds. The [IMLS Guidelines](#) are available, as is a [CIPA fact sheet](#).

### APPLICABILITY AND TIME FRAME OF CIPA

The IMLS guidance requires compliance with CIPA by libraries when applying for FY 2007/08 funds from the State Library. Special instructions apply to school libraries applying for LSTA and to public library applicants that may be involved as partners in a project with schools. Other types of libraries such as academic libraries are **not** affected by CIPA **unless** they are the applicants in a project with a partner public or school library subject to CIPA.

## **WHO SHOULD CERTIFY - OVERVIEW**

If the applicant library is:

- An **academic or special library**, and is not a partner with a library subject to CIPA in an LSTA grant, the applicant library is exempt from CIPA. No reply is needed and no further action is necessary. (Contact the CIPA Coordinator if your project involves a library partner that is affected by CIPA.)
- A **public library**, follow the Public Library Guidelines and use Form A. To be eligible to receive LSTA funds a public library affected by CIPA must certify to the California State Library that it has an Internet safety policy and a technology protection measure (filter) in place, or that it is not using LSTA funds to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet.

**How to certify:** A public library awarded an LSTA grant for 2007/08 must establish its eligibility for LSTA funding on the certification form by indicating on the certification form that it has already complied with the requirements of section 9134(f)(1) of the Library Services and Technology Act. Mark Box A on Form A.

For more details see [Guidelines for Completing Form A](#).

For applicant public libraries having another public library that is a partner in a project see the rules for consortia, below. Public libraries having a school library partner that is subject to CIPA should read the special instructions for this situation in [CIPA and School Libraries](#).

- **A Consortium.** If an applicant consortium, or an applicant library acting as a “consortium,” conducts a grant project in partnership with a library subject to CIPA, both the consortium and participating member public libraries, public elementary school libraries, and public secondary school libraries must certify. A separate certification (Form B) for consortium use is to be submitted to the State Library by the consortium or similar organization.

A consortium applying for LSTA funds that is affected by CIPA provisions must in turn collect and maintain on file a Form C for each public library, public elementary school library, or public secondary school library members subject to CIPA. If one or more affected libraries in a consortium is not in compliance with CIPA, any member libraries in the same consortium who are compliant can still get E-Rate discounts and/or LSTA funds.

**How to certify:** If the consortium is applying for an LSTA grant for 2007/08, ask the following questions:

1. Is the applicant consortium or library involved in the grant project with a public library, public elementary school library, or public secondary school library that is a project partner or user of LSTA funds?

**YES.** Go to Step 2.

**NO. Stop here.** No certification is necessary.

2. Will the applicant consortium use LSTA to purchase computers to access the Internet for a constituent or partner public library, public elementary school library, or public secondary school library or pay for costs associated with accessing the Internet for that library?

**YES.** Mark Box A on the consortium Form B. Return only this form to the State Library. Collect a certification Form C from each of the public library, public elementary school library, or public secondary school library members or partners affected by CIPA. The instructions are the same as for Form A except that the completed form is sent to the consortium, not to the State Library. Retain these Form C's at the consortium.

**NO.** Mark Box B on the consortium Form B and return it to the State Library. No action is required relative to the other library.

For applicant consortia having a school library partner that may be subject to CIPA, read [CIPA and School Libraries](#).

- **School Library.** Applicants that are school libraries should use Form D to certify their compliance with CIPA by marking Box A or Box B. For more information, click on the "CIPA and School Libraries" link given above:

**YES.** Mark Box A on the School Libraries Form D and return it to the State Library.

**NO.** Mark Box B on the School Libraries Form D and return it to the State Library.

## **RELATIONSHIP TO E-RATE**

An LSTA-applicant public library that also receives Internet services at discount rates (not telecomm) under the E-Rate program must already certify compliance under that program, and only has to confirm its status as an E-Rate recipient public library by signifying on Form A (para. B) that it has officially certified separately under E-Rate. Mail Form A to the State Library at the time of submitting the grant application.

## **CONSEQUENCE OF NOT CERTIFYING**

Certification regarding CIPA is a condition of acceptance of an LSTA grant, to remove any uncertainty and to ensure that the State Library itself is in compliance. If your library is covered by CIPA but you decline to certify, you are not authorized to submit your 2007/08 grant application. Your library will be declared ineligible for LSTA funding until such time as it does certify compliance.

As part of the state-level certification process, the State Library in turn re-certifies to IMLS on behalf of the state.

## **ACTION NEEDED? WHEN IS CERTIFICATION DUE?**

**All applicant libraries to which these instructions apply must return a copy of the certification, filled out and signed, to the State Library along with their LSTA application by the date specified by the State Library. Libraries applying for more than one grant must submit a separate CIPA certification for each grant when applicable.**

## **FOR ADVICE AND ASSISTANCE**

More information on the Internet safety policy and other issues surrounding CIPA is available from the State Library. Please contact Rush Brandis, CIPA Coordinator, (916) 653-5471, email [rbrandis@library.ca.gov](mailto:rbrandis@library.ca.gov).